

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHRISTOPHER BUNKER, *et al.*,

Plaintiffs,

V.

JOSEPH BUCCINIO, *et al.*,

Defendants.

Case No. 2:23-cv-09263-FLA (DFMx)

**ORDER ACCEPTING REPORT
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE
[DKT. 123]**

Pursuant to 28 U.S.C. § 636, the court has reviewed the pleadings and all the records and files herein, along with the Report and Recommendation of United States Magistrate Judge (“Report”). Dkt. 123 (“R&R”). Furthermore, the court has conducted a *de novo* review of the objections that were filed. Dkts. 124 (“Hannah’s Obj.’s”), 125 (“Pls.’ Obj.’s”).

The Report recommends granting in part and denying in part Plaintiffs Christopher Bunker, Teresa Bunker, Adam Bunker, and Casey Bunker’s (“Plaintiffs”) motion for leave to file a third amended complaint (“Motion”). *See* R&R; Dkt. 104. The objections to the Report do not warrant a change to the Magistrate Judge’s findings or recommendation.

Plaintiffs object that the Magistrate Judge is biased or has engaged in misconduct. Pls.’ Obj.’s at 2. This objection is conclusory and lacks evidentiary support. *See United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 566 (9th

1 Cir. 1995) (“merely conclusory allegations” are “insufficient to support a claim of
2 [judicial] bias or prejudice”) (citing *United States v. Sibla*, 624 F.2d 864, 868 (9th Cir.
3 1980)); *Yagman v. Republic Insurance*, 987 F.2d 622, 626 (9th Cir. 1993) (merely
4 speculative assertions of invidious motive are insufficient to show judicial bias).
5 Plaintiffs’ objections are OVERRULED.

6 Defendant Randal P. Hannah (“Hannah”) objects that amendment should not be
7 allowed because it would be futile. Hannah’s Obj.’s at 3–6. However, the court
8 concurs with the Report that justice requires amendment. *See* R&R at 3 (explaining
9 the court should freely give leave when justice so requires), 8 (explaining amendment
10 will facilitate resolution on the merits). Thus, Hannah’s objection is OVERRULED
11 without prejudice to renewal of the arguments for dismissal if Plaintiffs file a proper
12 third amended complaint.

13 Accordingly, the court accepts the findings, conclusions, and recommendations
14 of the United States Magistrate Judge. The Motion (Dkt. 104) is GRANTED IN
15 PART and DENIED IN PART. Plaintiffs are GRANTED leave to file a third
16 amended complaint within twenty-one (21) days of this Order that does not include
17 Defendants Michelle H. Gilleece, Candice Garcia-Rodrigo, Lisa M. Rogan, or
18 Douglas K. Mann.

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20 IT IS SO ORDERED.
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22 Dated: December 2, 2024
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25 FERNANDO L. AENLLE-ROCHA
26 United States District Judge
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